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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,710	12/26/2001	Isaac Daniel McIntosh White	60027.0087US01/BS01328	4179
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BELLSOUTH CORPORATION P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				
			EXAMINER TAYLOR, BARRY W	
			ART UNIT 2643	PAPER NUMBER 6

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/035,710

Applicant(s)

WHITE, ISAAC DANIEL  
MCINTOSH

Examiner

Barry W Taylor

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 May 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1-5 and 12-16 is/are allowed.  
6) ☒ Claim(s) 6 and 11 is/are rejected.  
7) ☒ Claim(s) 7-10 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Nepovim (5,692,452).

Nepovim teaches a distribution box (see figures 1-5) wherein a sliding mechanism (#28 figure 3) having predetermined label (#34 figure 1) is used to convey status values of ports located inside the box. Nepovim discloses the installer uses figure tabs (#31 figure 2) allowing the predetermined label to slide to desired status indicator position so that anyone later inspecting the distribution box will be able to read the status of the ports located inside the distribution box when mounted above the ground or on pedestal (col. 2 lines 27-31).

2. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Austin et al (6,065,530 hereinafter Austin).

Austin teaches an enclosure for telephony equipment typically mounted on telephone poles or on ground-based pedestal (abstract, column 1) having status indicator (see RED and GREEN status indicator---col. 5 lines 44-53) to allow for viewing from outside.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Nepovim (5,692,452) in view of U.S. 391,185 (J.C. Parker).

Regarding claim 11. Claim 11 does not contain any additional features, which, in combination with the features of claim 6 would lead to a novel subject matter. The Examiner notes that using a flag to signal, as defined in claim 11, would have been an obvious measure for one of ordinary skill in the art.

If not, J.C. Parker teaches an extremely old and well-known method of signaling that employs a flag (see figure 1) for attracting nearby person.

Therefore, it would have been obvious to any one of ordinary skill in the art at the time of invention to modify status indicator as taught by Nepovim to us a flag as taught by J.C. Parker so that anyone later inspecting the cross-box will be able to determine the status of ports located inside box without having to open the box.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Nepovim (5,692,452) in view of Pare et al (5,235,933 hereinafter Pare).

Regarding claim 11. Claim 11 does not contain any additional features, which, in combination with the features of claim 6 would lead to a novel subject matter. The Examiner notes that using a flag to signal, as defined in claim 11, would have been an obvious measure for one of ordinary skill in the art.

If not, Pare teaches an improved device for indicating certain status exists in the space on the other side of door (col. 1 lines 13-16) and marked to confirm to others that test has already been conducted (col. 1 lines 28-37) whereby confirmation indicated by using pivoting sign (see pivoting sign figure 1, col. 4 lines 49-51).

Therefore, it would have been obvious to any one of ordinary skill in the art at the time of invention to modify status indicator as taught by Nepovim to us a pivoting sign as taught by Pare so that anyone later inspecting the cross-box will be able to determine the ports located inside box have already been tested.

#### ***Allowable Subject Matter***

5. Claims 1-5 and 12-16 are allowed.
6. Claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Amendment***

7. The Declaration filed on 5/28/04 under 37 CFR 1.131 is sufficient to overcome the Dickens reference (Pub. No.: US 2003/0100219 A1).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

  
CURTIS KUNTZ  
TECHNOLOGY CENTER 2600  
PATENT EXAMINER